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ORANGE COUNTY DEPARTMENT OF
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

IRVINE UNIFIED SCHOOL
DISTRICT,

Plaintiff,

v.

K.G., an adult student, ORANGE
COUNTY DEPARTMENT OF
EDUCATION, and CALIFORNIA
DEPARTMENT OF EDUCATION,

Defendants.

Case No. CV10-01431 JVS (ANx)
Judge: Hon. James V. Selna

JUDGMENT

1 This action was heard by the Court on November 8, 2010, on the following
2 Motions:

- 3 • Plaintiff Irvine Unified School District's ("IUSD") Motion for
- 4 Summary Judgment;
- 5 • Defendant K.G., *et al.*'s Motion for Summary Judgment;
- 6 • Defendant/Cross-Claimant Orange County Department of Education's
- 7 ("OCDE") Motion for Summary Judgment; and
- 8 • Defendant California Department of Education's ("CDE") Motion for
- 9 Summary Judgment.

10 All parties appeared through counsel, as reflected by the record. The Court,
11 having reviewed the Motions, the Consolidated Oppositions, and Consolidated
12 Replies, and having heard argument and good cause appearing, hereby ENTERS
13 JUDGMENT as follows:

14
15 1) Judgment is entered in favor of OCDE and IUSD, in favor of K.G. as
16 against CDE only, and against CDE;

17 2) The Decision rendered by the administrative law judge following the
18 November 30, 2009 hearing of the Office of Administrative Hearings ("OAH") in
19 Consolidated Case Nos. 2009090943 and 2009100565 is hereby reversed, in part,
20 with respect to its finding that CDE was not responsible for implementing and
21 funding K.G.'s education in an out-of-state residential treatment center ("RTC")
22 following his release from the Orange County Juvenile Hall in October and
23 December 2007 through the present;

24 3) CDE is the entity entirely responsible for implementing and funding
25 K.G.'s out-of-state RTC placement, consistent with his individual education
26 program and all that it encompasses, for the period of October 26, 2007 through the
27 date that he graduates high school or his twenty-second birthday, whichever occurs
28 first. This obligation includes, but is not limited to, funding K.G.'s tuition and

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1 related services for his out-of-state RTC placement at Daystar, as well as any
2 transportation and visitation costs associated with that placement;

3 4) As of October 26, 2007, OCDE did not have, and OCDE does not now
4 have, any obligation to implement or fund any portion of K.G.'s IEP that placed
5 K.G. in an out-of-state residential treatment facility, including his out-of-state RTC
6 placement at the residential treatment facility at Daystar;

7 5) CDE is ordered to reimburse OCDE in the amount of \$59,185.52 for
8 the educationally-related costs that OCDE has expended for B.P.'s educational
9 program from October 26, 2010 through the present;

10 6) OCDE and IUSD are prevailing parties for purposes of the underlying
11 administrative action and the instant appeal thereof;

12 7) K.G. is the prevailing party as against CDE only for purposes of the
13 underlying administrative action and the instant appeal thereof;

14 8) OCDE, IUSD, and K.G. shall recover their reasonable costs of suit
15 herein as against CDE;

16 9) This Court retains jurisdiction over the parties to the extent necessary
17 to allow OCDE to obtain reimbursement from CDE, as described herein; and

18 10) This Court retains jurisdiction over the parties to the extent necessary
19 to allow K.G. to obtain prevailing party attorney's fees from CDE pursuant to the
20 Individuals with Disabilities Education Act for purposes of the underlying
21 administrative action and the instant appeal hereof.

22
23 Dated: November 30, 2010



24
25 By: _____
26 HON. JAMES V. SELNA
27 UNITED STATES DISTRICT JUDGE
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